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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,820	11/04/2003	Sung Uk Moon	244927US90	4464
22850	7590	06/15/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DEAN, RAYMOND S	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 06/15/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/699,820

Applicant(s)

MOON ET AL.

Examiner

RAYMOND S. DEAN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6, 7, 11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 7, 11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 2, 2009 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicants assertion that Trossen does not teach the feature "determine a transmission method ... so that a mobile station belonging to the specific multicast group equipped with a lowest reception capability can receive the information using the determined transmission method". Trossen teaches in Cols. 6 lines 16 - 20, lines 39 - 41, lines 60 - 67, 7 lines 1 - 2, lines 60 - 62, 8 lines 5 - 7, lines 14 - 36 a multicast group that is made up of multicast subgroups. The subgroups can receive the same multicast content via different layers such a basic layer for low data rates and an enhancement layer for more robust or higher data rates. The subgroup(s) that receives the multicast content via the basic layer is the group of wireless terminals that support the lowest data rates. The subgroup(s) that receives the multicast content via the enhancement layers is the group of wireless terminals that support higher data rates. While it is true, as indicated by Applicants', that a mobile can be precluded from receiving Lsub2 said mobile can still receive the data via other layers. The mobile is not excluded from receiving any content at all but from receiving said content via a particular layer, such as, for example, an enhancement layer. All of the mobile devices in the multicast group will receive the multicast content via different layers thus rendering a scenario where a mobile device with the lowest supported data

rate receives said content via a basic layer and another mobile device with a higher supported data rate receives said content via an enhancement layer. Trossen thus reads on the limitation in question. Trossen also teaches in Col. 12 lines 38 – 51 a new mobile station that attempts to join the specific multicast group no being precluded from joining said group.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 6, 11, 14 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trossen et al. (US 7,054,643) in view of Kim et al. (US 7,286,558)

Regarding Claim 1, Trossen teaches a radio communication system for performing multicast communication comprising: a reception ability value collector configured to collect a reception ability value of each mobile station belonging to a specific multicast group (Cols: 3 lines 35 – 39, 4 lines 6 – 11, 5 lines 20 – 43, 6 lines 4 – 24, Table 1); a radio resource manager configured to manage available radio resources (Col. 6 lines 16 – 20, efficiently managing the frequency spectrum, which is a radio resource a transmission method determiner configured to determine a transmission method of transmitting information in accordance with the collected reception ability value (Col. 5 lines 38 – 39, modulation-coding schemes); a

transmission method determiner configured to determine the transmission method in accordance with the reception ability value and the available radio resources, so that a mobile station belonging to the specific multicast group equipped with a lowest reception ability can receive the information using the determined transmission method (Cols. 5 lines 20 – 43, 6 lines 4 – 24, lines 39 – 41, lines 60 – 67, 7 lines 1 – 2, lines 60 – 67, 8 lines 5 – 7, lines 1 – 36); and a transmitter configured to transmit the information to each mobile station belonging to the specific multicast group using the determined transmission method without precluding a new mobile station that attempts to join the specific multicast group from joining the specific multicast group (Col. 12 lines 38 – 51).

Trossen does not teach wherein the reception ability value defines a reception buffer size of each mobile station.

Kim, which also teaches a wireless system wherein the base station determines maximum data rate that a mobile station can support, teaches a reception ability value that defines a reception buffer size of each mobile station (Col. 8 lines 31 – 34, each mobile station uses the supplemental channel to transmit data to the base station thus there will be a determination of the buffer size of each mobile, the buffer will receive data for the purpose of transmitting or receiving thus said buffer is a reception buffer).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Trossen with above feature of Kim as an alternative means for achieving the predictable result of determining the maximum data rate that a mobile station can support.

Regarding Claim 4, Trossen teaches a radio station comprising: a reception ability value collector configured to collect a reception ability value of each mobile station belonging to a specific multicast group (Figure 5, Cols: 3 lines 35 – 39, 4 lines 6 – 11, 5 lines 20 – 43, 6 lines 4 – 24, 10 lines 1 – 4, Table 1); a radio resource manager configured to manage available radio resources (Col. 6 lines 16 – 20, efficiently managing the frequency spectrum, which is a radio resource a transmission method determiner configured to determine a transmission method of transmitting information in accordance with the collected reception ability value (Col. 5 lines 38 – 39, modulation-coding schemes); a transmission method determiner configured to determine the transmission method in accordance with the reception ability value and the available radio resources, so that a mobile station belonging to the specific multicast group equipped with a lowest reception ability can receive the information using the determined transmission method (Cols. 5 lines 20 – 43, 6 lines 4 – 24, lines 39 – 41, lines 60 – 67, 7 lines 1 – 2, lines 60 – 67, 8 lines 5 – 7, lines 1 – 36); and a transmitter configured to transmit the information to each mobile station belonging to the specific multicast group using the determined transmission method without precluding a new mobile station that attempts to join the specific multicast group from joining the specific multicast group (Col. 12 lines 38 – 51).

Trossen does not teach wherein the reception ability value defines a reception buffer size of each mobile station.

Kim, which also teaches a wireless system wherein the base station determines maximum data rate that a mobile station can support, teaches a reception ability value

that defines a reception buffer size of each mobile station (Col. 8 lines 31 – 34, each mobile station uses the supplemental channel to transmit data to the base station thus there will be a determination of the buffer size of each mobile, the buffer will receive data for the purpose of transmitting or receiving thus said buffer is a reception buffer).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Trossen with above feature of Kim as an alternative means for achieving the predictable result of determining the maximum data rate that a mobile station can support.

Regarding Claims 6, 11, Trossen in view of Kim teaches all of the claimed limitations recited in Claims 4, 7. Trossen further teaches wherein the transmission method is determined by at least one of a modulation method, transmission power, a method of organizing the information hierarchically, the amount of data, the numbers of codes, an error correction method, the numbers of blocks, an interleaving length and a rate matching method (Col. 5 lines 38 – 39, modulation-coding schemes).

Regarding Claims 14, 15, Trossen in view of Kim teaches all of the claimed limitations recited in Claim 1, 4. Trossen further teaches wherein the transmission method determiner is configured to determine the transmission method so that the mobile station belonging to the specific multicast group equipped with a lowest reception ability can receive the information using the determined transmission method, even when at least one mobile station capable of receiving the information using a transmission method corresponding to a more robust reception ability value exists in the

specific multicast group (Cols. 6 lines 16 - 20, lines 39 - 41, lines 60 - 67, 7 lines 1 - 2, lines 60 - 62, 8 lines 5 - 7, lines 14 - 36, See Response To Arguments set forth above).

4. Claims 7, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trossen et al. (US 7,054,643) in view of Kim et al. (US 7,286,558), as applied to Claims 4, 1 set forth above, and further in view of Agrawal et al. (US 6,748,234)

Regarding Claims 7, 13, Trossen in view of Kim teaches all of the claimed limitations recited in Claims 4, 1. Trossen in view of Kim does not teach wherein the radio resource is defined by at least one of transmission power, the numbers of codes, the numbers of frequencies and propagation conditions.

Agrawal, which also teaches a CDMA2000 system, teaches wherein the radio resource is defined by transmission power (Col. 3 lines 53 - 59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Trossen in view of Kim with the above feature of Agrawal for the purpose of compensating for power fluctuations associated with fading as taught by Agrawal.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/
Examiner, Art Unit 2618
Raymond S. Dean
June 9, 2009